

REMARKS

The examiner indicated at section 11 of the Office Action Summary that the oath or declaration is objected to and notes that form PTO-152 is attached. Applicants submit that a declaration was filed on 03/23/2006, a copy of which can be found in the PAIR system. Additionally, form PTO-152 was not attached to the office action and does not appear to be in the PAIR system. The examiner is requested to either clarify or reconsider this objection.

The specification was objected to for not conforming to 37 CFR §1.77(b). A preliminary amendment was included with the filing of the application. The preliminary amendment included amendments to the specification, including section headings and an amendment to the abstract. A copy of the preliminary amendment can be found in the PAIR system. Applicants submit that the previously filed preliminary amendment amends the specification to address the examiners concerns. The examiner is requested to either clarify or reconsider this objection.

Claims 1-11 were rejected under 35 U.S.C. §102(b) as being anticipated by Lueders (US 6,067,074). The examiner is requested to reconsider this rejection.

Claim 1 has been amended to clarify applicants' claimed invention and to further differentiate the present invention from the cited prior art. In particular, claim 5 has been canceled without prejudice and its features have been added to claim 1. Claim 1 claims, *inter alia*, "a set of mechanical key elements ... wherein each key element comprises an outer pad for actuation by a user; and ... wherein the display device is

located between each outer pad and the respective switch". Claim 1 has been amended to claim "mechanical key elements" to clearly differentiate them from touch screen elements. Support for this amendment may be found at page 7 second full paragraph and also page 3 second full paragraph.

The Examiner rejected the claims using Lueders (US 6,067,074). It appears from the Examiner's interpretation of Lueders that he considers it possible for the key elements recited in the claim to be a part of the display device. The applicants disagree. It is clear from the introductory portion that the present invention is an improvement on a touch screen device and consequently the combination of key elements and display device should not be interpreted as a touch screen as in Lueders.

Lueders discloses a touch screen arrangement in which a flexible display 36 overlies a printed circuit board 26 comprising a plurality of switches 28. The flexible display is held in place by a frame 41. The combination of elements provides a control panel 10. This document does not disclose the use of mechanical key elements. It does not disclose the positioning of a display device between mechanical key elements and switches. It does not disclose propagating light from the key elements. In order to absolutely prevent this interpretation by the Examiner, the applicants have amended claim 1 to refer to "mechanical key elements".

The examiner is directed to MPEP 2131. Anticipation requires that **each and every element** of the claimed invention be disclosed in a single prior art reference (emphasis added).

In re Paulsen, 30 F.3d 1475, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994). In the present case, the examiner has not proven that **each and every element** of the claimed invention is disclosed in the cited references. It is submitted that Lueders fails to teach each the use of mechanical key elements as set forth in claim 1. It should therefore be apparent that Lueders does not "anticipate" claim 1, and thus the invention defined in claim 1 is novel over Lueders.

A problem associated with the arrangement in Lueders is that when the flexible display is actuated by a user's digit, because this is done in an unconstrained manner, the flexing display may actuate more than one of the switches 28. As a consequence, the travel distance between the flexible display 36 and the switches must be large and/or the switches 28 must be widely spaced. Consequently, one problem associated with this arrangement is that it is bulky i.e. of large volume. Another problem is that the display may be damaged.

Embodiments of the present invention address and overcome these problems by providing mechanical key elements distinct from the display. The features of claim 1 are not disclosed or suggested by the art of record. Therefore, claim 1 is patentable and should be allowed.

Claim 2 has been amended to make it clear that the flexible film is flexed when a user moves a key element to operate a respective switch. Although the application as filed does not include these exact words, such a claim does not add subject matter and is supported. It is clear from the description at page 7, particularly the first and third full paragraphs that

the function of the flexible sheet 41 is for it to form a web that flexes when a key element is actuated. This is also clear from Figs. 2 and 3. The features of claim 2 are not disclosed or suggested by the art of record. Therefore, claim 2 is patentable and should be allowed.

Dependent claim 3 has been amended to recite that the key elements are rigid and interconnected by the flexible film. This provides for even greater space reduction. Support for this may be found at page 10 first full paragraph. Lueders does not disclose rigid key elements as claimed in amended claim 3. Accordingly, claim 3 is patentable over the art of record and should be allowed.

Though dependent claims 5-11 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 1. However, to expedite prosecution at this time, no further comment will be made.

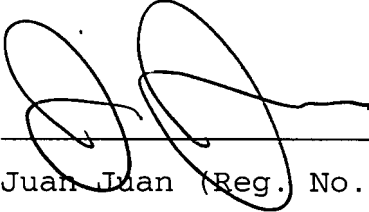
Claim 14 has been added above to further claim the features recited therein. In particular, claim 14 recites that each switch is positioned directly underneath a nib of its respective key element. This feature provides for precise actuation of the switch and substantially obviates incorrect actuation of a switch by, for example, accidentally depressing a neighbouring key element. Support for this amendment may be found at page 7 first full paragraph and in the Figs. Accordingly, claim 14 is patentable over the art of record and should be allowed.

Claim 15 has been added above to further claim the features recited therein. Claim 15 claims that "the key elements are arranged to protrude through individual holes in a housing of the electronic device". Support for this amendment may be found at page 5 last paragraph and Fig. 2. Lueders does not disclose that the key elements are arranged to protrude through individual holes in a housing. Accordingly, claim 15 is patentable over the art of record and should be allowed.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issue remain, the examiner is invited to call applicants' attorney at the telephone number indicated below.

Appl. No.: 10/541,085
Reply to Office Action of: 07/13/2007

Respectfully submitted,



Juan Juan (Reg. No. 60,564)

10/15/07

Date

Customer No.: 29683

Harrington & Smith, PC
4 Research Drive
Shelton, CT 06484-6212
203-925-9400

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

10-15-07

Date

Ann O'Brien Towich

Name of Person Making Deposit